

LR

Notice of Allowability	Application No.	Applicant(s)	
	09/601,245	GERBER ET AL.	
	Examiner	Art Unit	
	Christopher P Bruenjes	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed January 21, 2005.
2. ☒ The allowed claim(s) is/are 15-22.
3. ☒ The drawings filed on 31 July 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050202</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

Art Unit: 1772

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Virgil Marsh on February 1, 2005.

The application has been amended as follows:

Abstract) Delete the abstract and replace it with the following:

"Packaging material, for example, for tube bodies, bearing a hologram-like image. The packaging material is formed for a multilayered material with a layer structure containing: (a) a completely or partially embossed metal foil or metallized plastic film, and (b) on top, at least in specific areas, a transparent single or multilayered plastic layer. The plastic layer (b) forms the outer lying layer of the packaging. The embossed image on the metal foil (a) is visible through the transparent areas of the plastic layer (b). The packaging material gives the observer the impression of viewing a hologram-like image."

Claim 15)

Line 3) delete the phrase "a layer structure of:" and add the phrase "the following order of layers:" after the word "having"

Line 4) add the word "layer" before "(A)" and the phrase ", which is" after "(A)".

Line 6) add the word "and" before "arranged" and change the word "thereon" to "on layer (A) is".

Line 7) add the word "layer" before "(B)" and the phrase ", which is" after "(B)".

Line 8) add the word "and" before "arranged" and change the word "thereon" to "on layer (B) is".

Line 9) add the word "layer" before "(C)" and the phrase ", which is" after "(C)".

Line 11) add the word "layer" before "(D)" and the phrase ", which is" after "(D)".

Line 12) add the word "layer" before "(E)" and the phrase ", which is" after "(E)", and change "a" to "at least one", and add "and" after the comma.

Line 13) delete "(F)" at the beginning of the line and add "layer (F), which is" after "optionally,".

Line 14) change "film" to "layer".

Art Unit: 1772

Line 15) change "film" to "layer".

Line 16) delete "(G)" at the beginning of the line and add "layer (G), which is" after "optionally,".

Line 17) change "film" to "layer".

Claim 17)

Line 2) change "layer structure" to "order of layers"

Line 3) add the word "layer" before "(A)" and the phrase ", which is" after "(A)", and change "of" to "made from".

Line 6) add "and" after the comma.

Lines 7 and 8) delete lines 7 and 8 and replace with "layer (B), which is a metal foil having a thickness of 7 to 100µm and having an embossed design over the whole or part of the surface, and".

Line 9) add the word "layer" before "(C)" and the phrase ", which is" after "(C)".

Line 10) add the word "layer" before "(D)" and the phrase ", which is" after "(D)".

Line 12) add the word "layer" before "(E)" and the phrase ", which is" after "(E)".

Claim 20)

Line 2) change "film" to "layer".

Claim 21)

Line 2 and 3) change "layer structure" to "order of the layers".

Line 4) add the word "layer" before "(A)" and the phrase ", which is" after "(A)", and change "of" to "made from".

Line 7) add the word "and" after the comma.

Lines 8 and 9) Delete lines 8 and 9 and replace with "layer (B), which is an aluminum foil having a thickness of 8 to 40 μ m and having an embossed design over the whole or part of the surface, and".

Layer 10) add the word "layer" before "(C)" and the phrase ", which is" after "(C)", and add the word "layer" before "(D)" and the phrase ", which is" after "(D)".

Layer 12) add the word "layer" before "(E)" and the phrase ", which is" after "(E)".

Claim 22)

Line 2) change "film" to "layer".

2. The following is an examiner's statement of reasons for allowance: The closest prior art Touhsaent in view of Kay fails to teach a packaging laminate having only the layers specified

Art Unit: 1772

in the independent claim. Specifically, Touhsaent requires a surface treated polymer skin layer between the layer of melt extrudate and the metal deposit layer. Therefore, Touhsaent by requiring that layer teaches away from the claimed invention. Furthermore, when a lacquer layer is formed between the non-adhesive functional layer and the metal deposit layer a printing layer is formed which also teaches away from the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the

Art Unit: 1772

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes

Examiner

Art Unit 1772

CPB

CPB

February 2, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER

1772

2/4/05